

ATTACHMENT TO FORM PTOL-90

Non-Responsive Amendment

The amendment filed on 12/19/2007 is non-responsive (MPEP § 821.03). The newly amended claims are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly amended claims change the invention from a product to a process. The product, originally claimed, is distinct from the process, as amended, since the product can be used in a materially different process, i.e. a screening assays to determine effects on biochemical systems. See MPEP § 806.05(h). Had the original set of claims included this process it would have been restricted for this distinctness and subject to rejoinder.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WALTER E. WEBB whose telephone number is (571)270-3287. The examiner can normally be reached on 8:00am-4:00pm Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick F. Krass can be reached on (571) 272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter E Webb/
Examiner, Art Unit 1612

/Frederick Krass/

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Supervisory Patent Examiner, Art Unit 1612